

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: JANET DUNN  
DINO F. BUCCI, JR.  
CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

ALSO PRESENT: LAWRENCE DLOSKI; TOWNSHIP ATTORNEY;  
DAVID LAKIN, TOWNSHIP ENGINEER  
JEROME R. SCHMEISER, COMMUNITY PLANNING  
CONSULTANT.  
JACK DAILEY, COMMUNITY PLANNING CONSULTANT  
(Additional attendance on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order.

1. Roll Call

Clerk KOEHS called the Roll Call. Member MEERSCHAERT absent.

**MOTION by OLIVER seconded by BUCCI to exclude the name of Member MEERSCHAERT for all future motions.**

**MOTION carried.**

2. PLEDGE OF ALLEGIANCE

3. Approval of Agenda Items (with any addendums)

**MOTION by DUNN seconded by MALBURG to approve the agenda with the stated addendums.**

**MOTION carried.**

4. Approval of Bills

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

**MOTION by OLIVER seconded by BUCCI to approve the bills as submitted.**

**MOTION carried.**

5. Approval of Meeting Minutes

**MOTION by DUNN seconded by MALBURG to approve the meeting minutes of November 13, 2002 as submitted.**

**MOTION carried.**

6. Department Monthly Reports
- a. Macomb County Sheriffs Department
  - b. Building Department
  - c. Fire Department
  - d. Water/Sewer Department
  - e. Parks and Recreation Department

**MOTION by DUNN seconded by KOEHS to approve the Department Monthly Reports as submitted.**

**MOTION carried.**

7. Public Comments (Non Agenda items only-3 minute time limit) None.

**PLANNING COMMISSION:**

8. Final Plat; Fieldstone Estates Phase No. 2; Located north of 22 Mile Road and approximately 1300 feet east of Romeo Plank Road. Permanent Parcel No. 08-21-326-002 and 08-21-400-001.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Representative, present.

**MOTION by DUNN seconded by MALBURG to direct the Township Clerk to sign the Mylar and grant the approval of the Final Plat; Fieldstone Estates Phase No. 2; Located north of 22 Mile Road and approximately 1300 feet east of Romeo Plank Road. Permanent Parcel No. 08-21-326-002 and 08-21-400-001.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

9. Variance to Land Division Ordinance for Tentative Preliminary Plat; Harmony Acres Subdivision; (137 lots); Located on the south side of 24 Mile Road between Romeo Plank Road and Card Road; Section 16; Joseph and Faye VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014.(Forwarded from Planning Commission Meeting of 11-19-02).

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Peter Snyder, representative, present.

**MOTION by OLIVER seconded by KOEHS to approve the Variance to Land Division Ordinance; Harmony Acres Subdivision; (135 lots); Located on the south side of 24 Mile Road between Romeo Plank Road and Card Road; Section 16; Joseph and Faye VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014. (Forwarded from Planning Commission Meeting of 11-19-02.)**

**ROLL CALL: OLIVER, KOEHS, MALBURG, BUCCI, DUNN, BRENNAN.**

**ABSENT: MEERSCHAERT**

**OPPOSED: NONE.**

**MOTION to approve carried.**

10. Tentative Preliminary Plat; Harmony Acres Subdivision (137 lots); Located on the south side of 24 Mile Road between Romeo Plank and Card Road; Section 16; Joseph VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014. (Forwarded from Planning Commission Meeting of 11-19-02).

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Peter Snyder, representative, present.

**MOTION by DUNN seconded by MALBURG to approve the Tentative Preliminary Plat; Harmony Acres Subdivision; (135 lots); Located on the south side of 24 Mile Road between Romeo Plank Road and Card Road; Section 16; Joseph and Faye VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014. (Forwarded from Planning Commission Meeting of 11-19-02.) This approval is contingent upon the following conditions being met:**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

1. That the 20' ft. common area for landscape purposes be developed in accordance with the provision of the Land Division Act of Macomb Township. A plan for the area must be prepared by a registered architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
2. That the petitioner submits the revised landscape plan as referenced above in item 1.
3. A driveway be constructed from 24 Mile Road to Phase 1 area.
4. That the funds be posted with the Township Treasurer for the paving ½ of 24 Mile Road and that deceleration / acceleration lanes be included.
5. A temporary turn around installed at the west end of Tranquility Drive in accordance with the standards of the engineering consultants.

**MOTION carried.**

11. Rezoning Request; Residential Urban One Family (R-1) to Office Low Rise (O-1); Located north of 23 Mile Road and approximately 1201' west of Card Road; Section 15; Frank and Anne Gambino, Petitioner. Permanent Parcel No. 08-15-476-002. (Forwarded from the Township Board Agenda of 11-13-02).

Tabled per Petitioner's request.

12. Rezoning Request; Section 15 Residential Urban One Family (R-1) to (O-1); Located north of 23 Mile Road and approximately 1333' feet west of Card Road. John Cavaliere, Petitioner. Permanent Parcel Number 08-15-401-003. (Forwarded from the Township Board Agenda of 11-13-02).

Tabled per Petitioner's request.

**NEW BUSINESS:**

13. Request to schedule a Public Hearing Date for Street Lighting; Fieldstone Estates Subdivision # 3.

**MOTION by BUCCI seconded by MALBURG to approve the Request to schedule a Public Hearing Date for December 23, 2002 Street Lighting; Fieldstone Estates Subdivision # 3.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

**MOTION carried.**

14. Request for Sanitary Sewer Diversion; Located east of Card Road and south of 24 Mile Road. Permanent Parcel No. 08-14-100-003.

Item deleted. See item number 20.

15. Request for Variance from Engineer Standards; Pozios Retail Center, Petitioner.

**MOTION by OLIVER seconded by KOEHS to approve the Request for Variance from Engineer Standards; Pozios Retail Center, Petitioner.**

**MOTION carried.**

16. Request to adopt Resolution No. 1 and set a Public Hearing Date for SAD; Retention Basin, The Bluffs of Beaufait Farms. Section 35.

Tabled per Petitioner's request.

17. Request to rescind; Final Plat for Twin Rivers No. 1.

David Lakin, Township Engineer reviews the item.

Public Portion: None.

Petitioner: Mr. Dilorenzo, present. Mr. Dilorenzo held a detailed discussion with the members of the Board.

Tabled per Petitioner's request.

18. Authorize Township Attorney to initiate the process to resolve the disposition of Property Gap for Towngate and Beaufait Farms.

David Lakin, Township Engineer reviews the request.

Public Portion: None.

**MOTION by Dunn seconded by BUCCI to authorize the Township Attorney to initiate the process to resolve the disposition of Property Gap for Towngate and Beaufait Farms.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

Add-On

- 18a. Authorize Township Attorney to defend Litigation AZTEC LTD, LCC vs Macomb Township.

**MOTION by KOEHS seconded by DUNN to Authorize Township Attorney to defend Litigation AZTEC LTD, LCC vs. Macomb Township.**

**MOTION carried.**

**FIRE DEPARTMENT:**

19. Award of truck bid. (Tabled at the Township Board Meeting of 11-13-02).

Ray Ahonen, Fire Department Chief requested that the item be tabled to the next Township Board Meeting.

**WATER/SEWER DEPARTMENT:**

20. Request for sewer diversion study, Parcel Number 08-14-100-003.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

**MOTION by KOEHS seconded by DUNN to move forward on the study for the Request for Sanitary Sewer Diversion; Located east of Card Road and south of 24 Mile Road. Permanent Parcel no. 08-14-100-003.**

**MOTION carried.**

21. Approval of Annual MDOT Right of Way Permit.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

**MOTION by KoeHS seconded by DUNN to approve the Annual MDOT Right of Way Permit.**

**MOTION carried.**

22. Approval of the Water Main Replacement Project, 23 Mile Road, West of Romeo Plank.

David Koss, Water and Sewer Department Superintendent reviewed the request.

**MOTION by OLIVER seconded by MALBURG to move forward on the approval of the Water Main Replacement Project, 23 Mile Road, West of Romeo Plank Road.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

**MOTION carried.**

Add-On

22a. 25 Mile Road Park Sanitary Sewer. MA00-35.

David Koss, Water and Sewer Department Superintendent reviewed the request.

**MOTION by DUNN seconded by MALBURG to move forward on the 25 Mile Road Park Sanitary Sewer. MA00-35.**

**MOTION carried.**

23. Easement Encroachment Agreement, Donald & Kevin West, 50271 Corporate Drive, Macomb, MI 48044. Permanent Parcel No. 08-20-102-006.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Larry Dloski, Township Attorney stated his recommendations regarding the importance of the Easement Encroachment Agreement to involve the spouse signature.

**MOTION by DUNN seconded by KOEHS to grant the Easement Encroachment Agreement, Donald & Kevin West, 50271 Corporate Drive, Macomb, MI 48044. Permanent Parcel No. 08-20-102-006. This motion is contingent upon the review and approval from the Township Attorney,**

**MOTION carried.**

24. Easement Encroachment Agreement, Donald & Kevin West, 50395 Corporate Drive, Macomb, MI 48044. Permanent Parcel No. 08-20-102-005.

David Koss, Water and Sewer Department Superintendent reviewed the request.

**MOTION by KOEHS seconded by DUNN to grant the Easement Encroachment Agreement, Donald & Kevin West, 50395 Corporate Drive, Macomb, MI 48044. Permanent Parcel No. 08-20-102-005. This motion is contingent upon the review and approval from the Township Attorney,**

**MOTION carried.**

25. Easement Encroachment Agreement, Donald & Kevin West, 50523 Corporate Drive, Macomb, MI 48044. Permanent Parcel No. 08-20-102-004.

David Koss, Water and Sewer Department Superintendent reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

**MOTION by BUCCI seconded by DUNN to grant the Easement Encroachment Agreement, Donald & Kevin West, 50523 Corporate Drive, Macomb, MI 48044. Permanent Parcel No. 08-20-102-004. This motion is contingent upon the review and approval from the Township Attorney.**

**MOTION carried.**

26. Request to appoint Water and Sewer Forepersons.

David Koss, Water and Sewer Department Superintendent reviewed the request.

**MOTION by KOEHS seconded by DUNN to appoint Inspector Gary Wangelin, to the Maintenance Foreperson Position, and Inspector Ron Steinbrink, to the Mechanical Foreperson Position. The Effective Date of November 25, 2002.**

**MOTION carried.**

**PARK AND RECREATION DEPARTMENT:**

27. Request approval for the Final Plan; Macomb Township Park & Recreation Center.

**MOTION by DUNN seconded by OLIVER to approve the Request for the Final Plan; Macomb Township Park & Recreation Center.**

**MOTION carried.**

**BOARD COMMENTS:**

28. Supervisor's Comments: None.

28A. SMART; Municipal Credit and Community Credit Contract for FY 2003.

**MOTION by OLIVER seconded by BUCCI to move forward on the SMART; Municipal Credit and Community Credit Contract for FY 2003.**

**MOTION carried.**

29. Clerk's Comments

29A. Recommendation for Election Supervisor.

Clerk KOEHS reviews with the Board his recommendation for the Election Supervisor Position.



MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

**MOTION by DUNN seconded by BUCCI to follow the Township Clerk recommendation to approve and appoint Mr. Edward J. Carey to the Election Supervisor Position. With the Effective Date of 12-09-02.**

**MOTION carried.**

30. Treasurer's Comments

Marie Malburg, Township Treasurer, reviewed the Tax status with the Board members.

Add-On:

30A. Request for a Clerical Position in the Township Treasurer Department.

**MOTION by DUNN seconded by KOEHS to approve the Request for a Clerical Position in the Township Treasurer Department. This approval is contingent upon that the position is posted internally first.**

**MOTION carried.**

31. Trustee's Comments

Trustees BUCCI wishes a Happy Thanksgiving to everyone.

**EXECUTIVE SESSION**

32. Review of Proposed Consent Judgement – Lombardo Merlini Property Division – 24 Mile Road.

**MOTION by DUNN seconded by OLIVER to authorize the Township Attorney to sign on behalf of the Township the Review of Proposed Consent Judgement – Lombardo Merlini Property Division – 24 Mile Road.**

**MOTION carried.**

33. First Amendment to the Master Deed for Windemere Farms.

**MOTION by BUCCI seconded by OLIVER to approve the First Amendment to the Master Deed for Windemere Farms.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING HELD ON MONDAY NOVEMBER 25, 2002  
AT 7:00P.M.

34. Giovanni Biondo vs. Macomb Township Zoning Board of Appeals Case No. 02-1495AA.

**MOTION by KOEHS seconded by DUNN to deny the Giovanni Biondo vs. Macomb Township Zoning Board of Appeals Case No. 02-1495AA.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by PENZIEN seconded by KOEHS to adjourn at 9:40 P.M.**

**MOTION carried.**

Respectfully submitted,

---

John D. Brennan, Supervisor

---

Michael D. Koehs, Clerk

Minutes prepared by:  
Michael D. Koehs, Township Clerk  
MDK/gmb